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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,827	04/09/2004	Terrence Martineau	ALC 3126	8495

7590 09/12/2008

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EXAMINER	
TANK, ANDREW L	
ART UNIT	**PAPER NUMBER**
2175	

MAIL DATE	DELIVERY MODE
09/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/820,827	MARTINEAU ET AL.	
	Examiner	Art Unit	
	Andrew Tank	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 June 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The following action is in response to the Request for Continued Examination (RCE) filed under 37 CFR 1.53(d) for the instant application on June 23, 2008. Applicants have properly set forth the RCE, which has been entered into the application. Accordingly, the amendment submitted June 23, 2008, has been entered and an examination on the merits follows herewith.

2. Claims 1, 10, and 19 have been directly amended. **Claims 1-20** are pending and have been considered below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 5,850,388), previously presented as "Anderson", in view of Ngo et al. (US 2004/0042416), hereafter known as "Ngo".

- **Claims 1, 2, 4-15, and 19**: Anderson discloses a method implemented by a PC to display highlighted objects' (col 324 line 59 "object-oriented") information regarding a communication network on a graphical user interface (col 22 lines 50-54 "executed by the PC", "network monitoring session", col 29 lines 28-30, Fig. 21), by:
    - highlighting a primary object O(n) on a GUI window at a selected hierarchically level (col 29 lines 27-30 "highlight one ISO protocol layer", Fig. 20);

- identifying a highlighted object O(n-1) subtended by said primary object at a hierarchically next lower level (col 29 lines 27-30 revealing usage by the protocols detected on the network, col 28 lines 31-35 "iteratively examining the contents", "builds a hierarchical protocol distribution structure (tree structure)", Fig. 20 – NetBIOS, SAP, RIP);
- selecting said highlighted object from an object storage means and placing same in a visualization of highlighted objects (col 29 lines 5-26);
- repeating for all available hierarchical levels until all highlighted objects corresponding to said primary objects are identified and placed in said list (col 28 lines 31-35 "iteratively examining the contents", col 29 lines 5-26).
- While the protocol distribution embodiment of the network analyzer GUI disclosed by Anderson shows that the highlighted objects do have names (Fig. 20 - NetBIOS, SAP, RIP), rankings (Fig. 20 - as reflected in percentages), icons (Fig. 20) and descriptions, it does not specifically show that the visualization of highlighted object is done through the use of a table, in this particular embodiment. However, the examiner takes Official Notice that it is old and well known in the art, as exemplified by Anderson in alternative embodiments (col. 25 line 22 “Station-Level Statistics User Interface” Fig. 18, col 30 line 31 “Event Information User Interface”), to visualize object oriented database entries as a table containing rows and columns (Fig. 21). Each row represents an object (Fig. 21 col 30 lines 12-17) and each column represents attribute information relating to each object, in reference of claims 4 and 11, including: name and description, in reference of claims 5 and 13, status, in

reference of claims 7 and 14, and count, in reference of claims 8 and 15 (Fig. 21, col 30 lines 12-17). These tables are further sortable to be arranged in a specific order, in reference of claim 2, (col 26 lines 31-36) by column choice, in reference of claims 9 and 12 (col 26 lines 41-51). Therefore, it would have been obvious to one having ordinary skill in the art, and the teachings of Anderson before them at the time the present invention was made, to visualize the selected highlighted object data, as disclosed by the embodiment of Anderson above, by combining the known components of a table using a row for each object to yield the predictable result of the table having columns providing an attribute specific to said object, said columns allowing a user to sort said objects (col 26 lines 31-36), said columns including: a count column (Fig. 21 first column), a name column (Fig. 21 Analyzer object name), a specification and status column of said object (Fig. 21 event column), and an icon column (Fig. 20 discloses icons associated with each highlighted object, icons are attribute information). One would have been motivated to allow this visualization of the object data in order to provide a user with several formats in which to assess the information, as suggested by Anderson (col 23 lines 55-57).

- While Anderson discloses the above method for analyzing hierarchical networks, Anderson does not explicitly disclose wherein the primary object is selected from the group consisting of a network node and a network link, and wherein the highlighted object is selected from the group consisting of a network node, a network link, a shelf, a slot, a card, and a port. Ngo discloses a virtual local area network (VLAN) auto-discovery method, wherein network devices are discovered and controlled via

interface solutions provided by a network management system (NMS) (Abstract). In particular, Ngo discloses a hierarchical relationship between switches, nodes, shelves, slots, ports and links in a network (Fig. 7). Therefore, it would have been obvious to one having ordinary skill in the art and the teachings of Anderson and Ngo before them at the time the present invention was made to simply substitute the hierarchical network suggested by Ngo for the hierarchically related primary and highlighted objects of Anderson to obtain the predictable result wherein the primary object of Anderson is selected from the group consisting of a network node and a network link, and wherein the highlighted objects of Anderson are selected from the group consisting of network nodes, network links, shelves, slots, card, and ports, as suggested by Ngo.

- **Claims 3 and 20**: Anderson and Ngo disclose the network analyzer GUI method as in claims 1 and 19 above, wherein the hierarchical highlighted objects are displayed in a sortable table format. Anderson further discloses that the highlighted objects have hierarchical data associated with them (col 29 lines 27-30 revealing usage by the protocols detected on the network, col 28 lines 31-35 "iteratively examining the contents", "builds a hierarchical protocol distribution structure (tree structure)", Fig. 20 – NetBIOS, SAP, RIP) and, as established above, data associated with the objects are displayed in columnar format relating the data to the objects. The table is sorted by its columns. Therefore, it would have been obvious to one having ordinary skill in the art, and the teachings of Anderson and Ngo before them at the time the present invention was made, to specify the order of the objects in the table by a column relating data to the objects, as disclosed in claim 1 above, wherein the

sorting column is a column relating hierarchical data to each object, as disclosed by Anderson. It would have been obvious to implement this sorting in order to provide the user with another way to sort and visualize the highlighted object data, as suggested by Anderson (col 26 lines 31-36).

- **Claim 16**: Anderson and Ngo disclose the network analyzer GUI system as in claim 10 above, and Anderson further discloses an object library for maintaining data pertinent to all objects present at a respective network node (col 28 lines 44-47).
- **Claim 17**: Anderson and Ngo disclose the network analyzer GUI system as in claim 10 above, and Anderson further discloses a connectivity database for maintaining routing data pertinent to all routes currently involving a respective network node (col 28 lines 44-47).
- **Claim 18**: Anderson and Ngo disclose the network analyzer GUI system as in claim 10 above, and Anderson further discloses wherein said highlighted objects window comprises a refresh button for updating said list (col 28 lines 57-67 "user selected update").

Response to Arguments

5. Applicant's arguments filed June 23, 2008, have been fully considered but they are not persuasive. Applicant's arguments are drawn to newly amended limitations, and have been addressed by the addition of Ngo and the new grounds of rejection presented above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Tank whose telephone number is 571-270-1692. The examiner can normally be reached on Mon - Thur 0830-1700 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. T./
Examiner, Art Unit 2175
September 4, 2008

/Kieu D Vu/
Primary Examiner, Art Unit 2175